

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JASON TIBBALS,

Plaintiff,

v.

ORDER

19-cv-879-wmc

THE STATE OF WISCONSIN,  
THE SUN PRAIRIE POLICE  
DEPARTMENT, ISMAEL<sup>1</sup>  
OZANNE, KEVIN KONOPAKI, and  
SCOTT BARTNICK,

Defendants.

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Plaintiff Jason Tibbals filed this lawsuit against the following defendants: the State of Wisconsin, the Sun Prairie Police Department, Ismael Ozanne, Kevin Konopaki, and Scott Bartnick. (Dkt. #1.) The State of Wisconsin and Ismael Ozanne filed a motion to dismiss (dkt. #8), and in response, Tibbals filed a motion for leave to file an amended complaint, in which he (1) dismisses the State of Wisconsin and Ozanne, (2) adds a new plaintiff, Skyln Yvonne Tibbals, and (3) adds as defendants former Sun Prairie Police Chief Patrick Anholt, current Sun Prairie Police Chief Mike Steffes, the City of Sun Prairie, and Dane County; and (4) clarifies the relief plaintiffs seek. (Dkt. ##16, 16-1.) The State of Wisconsin and Ozanne do not oppose the motion amend (dkt. #17), and Tibbals filed his motion within 21 days of the filing of the motion to dismiss. Accordingly, pursuant to Federal rule of Civil Procedure 15(a), the motion to amend will be granted, and the motion to dismiss will be denied as moot.

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<sup>1</sup> The complaint misspelled Ozanne's first name, which Ozanne corrected. The court uses the correct spelling.

Additionally, Tibbals asks the court for guidance with respect to listing Sun Prairie Police Department, since the State of Wisconsin and Ozanne pointed out in their response to the motion to amend out that Sun Prairie Police Department is not a state agency, and instead is a municipal department or agency. (Dkt. #18.) The court cannot give Tibbals legal advice of this nature, so his request for guidance is DENIED, although the court will note that Tibbals has included a municipality as a defendant in the amended complaint, the City of Sun Prairie.

### ORDER

IT IS ORDERED that:

- 1) Plaintiff Jason Tibbals' motion to amend (dkt. #16) is GRANTED.
- 2) Defendants State of Wisconsin and Ismael Ozanne's motion to dismiss (dkt. #8) is DENIED as moot.
- 3) The State of Wisconsin and Ismael Ozanne are DISMISSED from this lawsuit.
- 4) Plaintiff's motion for the court's assistance (dkt. #18) is DENIED.

Entered this 13th day of May, 2021.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge